

**NINTH DAY**

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**TUESDAY, AUGUST 11, 2009**

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Legislature met pursuant to adjournment.

President Wayne E. Zyra in the Chair.

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**ROLL CALL**

Present— Legislators Adair, Andrews, Antelli, Barker, Beebe, Bronson, Casseti, Colby, Cruz, Daniele, Driscoll, Esposito, Eckel, Gamble, Gumina, Haney, Hanna, Heider, Kaleh, LaFountain, Lee, Lightfoot, McCann, O'Brien, Quatro, Tucciarello, Valerio, Yolevich, Zyra – 29

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Meeting formally opened. At the invitation of Legislator Glenn J. Gamble, Elder Burnice G. Greene of God's Vision Ministries, Inc. delivered the invocation. The Pledge of Allegiance to the Flag was led by Legislator Carmen F. Gumina.

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**MOTIONS, RESOLUTIONS AND NOTICES**

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| 25. Quatro &<br>Bronson<br>Intro. 261<br>Res. 202<br>29-0 | 09-0255 | Expressing Regret of the Monroe County Legislature on the Recent Passing of The Honorable Joseph N. Ferrari - former Monroe County Legislature President and Board of Supervisor Member |
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**APPROVAL OF MINUTES**

Without objection, the journal of the session of Day 8 of 2009, July 14, 2009 was approved as submitted.

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**PETITIONS AND COMMUNICATIONS**

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**PROCLAMATIONS**

**By the President of the Legislature — Wayne E. Zyra**

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**Recognized Jointly with Legislators E. Daniel Quatro, Mary A. Valerio and Travis R. Heider "Twelve Corners Middle School" for earning the "Essential Elements: School to Watch" designation.**  
Read and Filed.

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**Recognized Jointly with Legislators Ciaran T. Hanna and Michael G. Barker "The Fairport Track and Field Team" on their immeasurable dedication and record breaking athletic achievements.**  
Read and Filed.

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**Recognized Jointly with Legislators Michael G. Barker and R. Anthony LaFountain “Brian Niggli” for his years of dedicated service to the Penfield community as Fire Safety Program Coordinator and his recent achievement of the 2009 Fire Safety Educator of the Year Award**

Read and Filed.

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**Recognized Jointly with Legislators Jeffrey R. Adair, Anthony Daniele and Ciaran T. Hanna “Calkins Road Middle School” for earning the “Essential Elements: School to Watch” designation.**

Read and Filed.

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**Recognized Jointly with Legislators Jeffrey R. Adair, Anthony Daniele and Ciaran T. Hanna “Barker Road Middle School” for earning the “Essential Elements: School to Watch” designation.**

Read and Filed.

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**Recognized Jointly with Legislators Michael G. Barker and Richard Beebe “Lou Lombardo” for his years of dedicated service to the community through wrestling and the new sport of beach wrestling along with being awarded 2009 USA Wrestling Beach Person of the Year award.**

Read and Filed.

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**Recognized Jointly with Legislators Willie J. Lightfoot, Jr. and Jose A. Cruz “Victor & Abigail DeJesus of Isla Del Incanto Unisex Shop” for exceptional service to the community.**

Read and Filed.

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**Recognized Jointly with Willie Lightfoot, Jr. and Jose A. Cruz “Rochester Latino Rotary Club” for recently being chartered by Rotary International and for dedicated community service.**

Read and Filed.

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**Recognized Jointly with Legislators Harry B. Bronson, Carrie M. Andrews, Calvin Lee, Jr. and Paul E. Haney “John Nugent & Marc Iacona of the Rochester International Jazz Festival” for their hard work and dedication to the Rochester community.**

Read and Filed.

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**Recognized Jointly with Legislator Willie J. Lightfoot, Jr. “Greg Goolsby and the Classy Cut Barber Shop” for exceptional service to the community.**

Read and Filed.

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## FORMAL COMMITTEE REPORTS

*NONE*

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## PUBLIC FORUM

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An Open Forum was conducted to allow speakers to address the Legislature. Thirty-four speakers addressed the Legislature on various subjects and the Open Forum concluded at 7:55 P.M.

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**RECESS**

A recess was declared by President Zyra to allow for a meeting of the **Pure Waters Administrative Board**.

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**RECONVENING LEGISLATURE**

President Zyra reconvened the recessed meeting of August 11, 2009 and proceeded under the Usual Order of Business.

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**LOCAL LAWS**

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1. Tucciarello, 09-0250 Amending Local Law No. 1 of 2001, As Amended By Local Law Nos. 6 And 8 Of 2002, Daniele & Local Law Nos. 3, 8 And 14 Of 2003, Local Law Nos. 2 And 3 Of 2004, Local Nos. 6 And LaFountain Intro. 262 And 7 Of 2005, Local Law Nos. 2, 3, 6, 9 And 10 Of 2006, Local Law Nos. 1, 4, 7 And 8 Of 2007 And Local Law Nos. 3, 5, 6, 10 And 12 Of 2008 To Revise Empire Zone Boundary Planning and Economic Development Committee; July 27, 2009 – CV: 5-0 Ways and Means Committee; July 29, 2009 – CV: 10-0  
*(For Introductory Purposes Only)*
2. Tucciarello, 09-0250 Providing That Local Law (Intro. No. 262 of 2009) Entitled, “Amending Local Law No. 1 of Daniele & Local Law Nos. 6 And 8 Of 2002, Local Law Nos. 3, 8 And 14 Of LaFountain Intro. 263 M. 57 29-0 2003, Local Law Nos. 2 And 3 Of 2004, Local Nos. 6 And 7 Of 2005, Local Law Nos. 2, 3, 6, 9 And 10 Of 2006, Local Law Nos. 1, 4, 7 And 8 Of 2007 And Local Law Nos. 3, 5, 6, 10 And 12 Of 2008 To Revise Empire Zone Boundary,” Be Tabled
3. Tucciarello, 09-0250 Fixing A Public Hearing On Local Law (Intro. No. 262 of 2009), Entitled, “Amending Local Law No. 1 of 2001, As Amended By Local Law Nos. 6 And 8 Of 2002, Local Law Nos. 3, 8 Daniele & Local Law Nos. 3, 8 And 14 Of 2003, Local Law Nos. 2 And 3 Of 2004, Local Nos. 6 And 7 Of 2005, Local Law Intro. 264 Res. 203 29-0 Nos. 2, 3, 6, 9 And 10 Of 2006, Local Law Nos. 1, 4, 7 And 8 Of 2007 And Local Law Nos. 3, 5, 6, 10 And 12 Of 2008 To Revise Empire Zone Boundary”  
*(Public Hearing is scheduled for Tuesday, September 8, 2009 at 6:15 p.m.)*

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**MOTIONS, RESOLUTIONS AND NOTICES**

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4. Tucciarello & 09-0195 Providing That Resolution (Intro. No. 227 of 2009), Entitled “Authorizing Additions To Hanna Intro. 265 M. 58 29-0 Monroe County Agricultural Districts,” Be Lifted From The Table
  5. Tucciarello & 09-0195 Providing That Resolution (Intro. No. 227 of 2009), Entitled “Authorizing Additions To Hanna Intro. 266 M. 59 29-0 Monroe County Agricultural Districts,” Be Adopted  
Planning and Economic Development Committee; June 22, 2009 – CV: 5-0 and July 27, 2009 - CV: 5-0
- Intro. 227 Main Motion  
Res. 204  
29-0

6. Driscoll, 09-0223 Providing That Resolution (Intro. No. 253 Of 2009), Entitled "Approving Monroe  
Valerio & Community College's 2009-2010 Operating Budget," Be Lifted From The Table  
LaFountain  
Intro. 267  
M. 60  
29-0
  
7. Driscoll, 09-0223 Providing That Resolution (Intro. No. 253 Of 2009), Entitled "Approving Monroe  
Valerio & Community College's 2009-2010 Operating Budget," Be Adopted  
LaFountain Recreation and Education Committee; July 29, 2009 – CV: 4-0  
Intro. 268 Ways and Means Committee; July 29, 2009 – 11-0  
M. 61  
29-0  
  
Intro. 253 Main Motion  
Res. 205  
29-0  
  
Intro. 269 Zyra/Quatro  
M. 62 Motion to Reconsider File No. 09-0203 br.  
15-14 *(Legislators Bronson, Andrews, Beebe, Cruz, Eckel, Esposito, Gamble, Gumina, Haney, Heider, Kaleh, Lee, Lightfoot and O'Brien voted in the negative)*
  
8. Quatro, 09-0203 br. Resolution Authorizing The Issuance Of \$250,500 Bonds Of The County Of Monroe,  
Cassetti & New York, To Finance The Cost Of The Stabilization Of Irondequoit Creek Stream Bank In  
LaFountain Powder Mills And Ellison Parks, In And For Said County, At An Estimated Maximum Cost  
Intro. 238 Of \$250,500  
15-14 F Environment and Public Works Committee; June 24, 2009 – CV: 4-3  
Ways and Means Committee; June 24, 2009 – CV: 6-5  
*(Legislators Bronson, Andrews, Beebe, Cruz, Eckel, Esposito, Gamble, Gumina, Haney, Heider, Kaleh, Lee, Lightfoot and O'Brien voted in the negative)*  
  
Intro. 270 Haney/Bronson  
M. 63 Motion to bring forth a Matter Of Urgency per Section 545-24 (A-4). Two-thirds  
13-16 voted is required.  
*(Legislators Bronson, Andrews, Beebe, Cruz, Eckel, Esposito, Gamble, Gumina, Haney, Heider, Kaleh, Lee and Lightfoot voted in the positive)*
  
9. Yolevich, 09-0228 Appointment to Monroe County Agricultural and Farmland Protection Board  
Barker &  
Colby  
Intro. 271  
Res. 206  
29-0
  
10. Valerio & 09-0235 Authorizing Contract With Parrone Engineering For Professional Engineering Services  
LaFountain For Greece Canal Park Master Plan Improvements Project  
Intro. 272 Recreation and Education Committee; July 29, 2009 – CV: 4-0  
Res. 207 Ways and Means Committee; July 29, 2009 – CV: 10-0  
29-0
  
11. Valerio & 09-0236 Authorizing Acquisition Of Two Properties In Towns Of Webster And Irondequoit As Part  
LaFountain Of Monroe County Green Space Initiative  
Intro. 273 Recreation and Education Committee; July 29, 2009 – CV: 4-0  
Res. 208 Ways and Means Committee; July 29, 2009 – CV: 10-0  
29-0
  
12. Daniele, 09-0237 Amending Resolution 256 Of 2003 to Amend Intermunicipal Agreement With Rush  
Barker & Henrietta Central School District For Purchase Of Fuel For Vehicles Of Monroe County  
LaFountain Sheriff's Office  
Intro. 274 Intergovernmental Relations Committee; July 28, 2009 – CV: 5-0  
Res. 209 Public Safety Committee; July 27, 2009 – CV: 7-0  
29-0 Ways and Means Committee; July 29, 2009 – CV: 10-0

13. Hanna, Cassetti & LaFountain  
Intro. 275  
Res. 210  
29-0  
09-0238 Authorizing Contract With LaBella Associates, P.C. For Professional Services for New Monroe County Children's Detention Center Project  
Human Services Committee; July 28, 2009 – CV: 5-0  
Environment and Public Works Committee; July 29, 2009 – CV: 7-0  
Ways and Means Committee; July 29, 2009 – CV: 10-0
14. Cassetti & LaFountain  
Intro. 276  
Res. 211  
29-0  
09-0239 Authorizing Contracts With Battle Construction Co., Inc., Landry Mechanical Contractors, T. Bell Construction Corp., and East Coast Electric LLC for Construction Services for Hall Of Justice Phase IID Second Floor Family Court Alterations Project  
Environment and Public Works Committee; July 29, 2009 – CV: 7-0  
Ways and Means Committee; July 29, 2009 – CV: 10-0
15. Cassetti & LaFountain  
Intro. 277  
Res. 212  
29-0  
09-0240 Authorizing Contract With KCI Engineering Of New York, P.C. for Professional Engineering Services for Irondequoit Bay South Central Sewer Districts Pinnacle Road Pump Station Improvements Project  
Environment and Public Works Committee; July 29, 2009 – CV: 7-0  
Ways and Means Committee; July 29, 2009 – CV: 10-0
16. Cassetti & LaFountain  
Intro. 278  
Res. 213  
29-0  
09-0242 Authorizing Contract With Op-Tech Environmental Services, Inc. for General Construction for Rochester and Irondequoit Bay South Central Pure Waters Districts Selective Demotion Of Wastewater Facilities Project  
Environment and Public Works Committee; July 29, 2009 – CV: 7-0  
Ways and Means Committee; July 29, 2009 – CV: 10-0
17. Colby, Antelli & LaFountain  
Intro. 279  
Res. 214  
29-0  
09-0244 Authorizing Contracts With Bergmann Associates for Engineering Services and New York State Department Of Transportation For Replacement Of Kirk Road Bridge Over Round Pond Creek Project In Town Of Greece  
Transportation Committee; July 29, 2009 – CV: 8-0  
Ways and Means Committee; July 29, 2009 – CV: 10-0
18. LaFountain & Barker  
Intro. 280  
Res. 215  
29-0  
09-0245 Authorizing Sale of County Owned Tax Foreclosure Property, Town Of Brighton  
Ways and Means Committee; July 29, 2009 – CV: 10-0
19. LaFountain & Barker  
Intro. 281  
Res. 216  
29-0  
09-0246 Authorizing Sale of County Owned Tax Foreclosure Property, Town Of Irondequoit  
Ways and Means Committee; July 29, 2009 – CV: 10-0
20. LaFountain & Barker  
Intro. 282  
Res. 217  
29-0  
09-0247 Directing Correction, Cancellation And Levy Of Certain Monroe County Taxes In City of Rochester and Town Of Brighton  
Ways and Means Committee; July 29, 2009 – CV: 10-0
21. LaFountain & Barker  
Intro. 283  
Res. 218  
29-0  
09-0248 Directing The Refund Of Certain Monroe County Taxes Levied And Collected Against Property In City Of Rochester  
Ways and Means Committee; July 29, 2009 – CV: 10-0
22. LaFountain & Barker  
Intro. 260  
Res. 201  
29-0  
09-0252 Extension Of Additional One Percent Tax On Sales And Uses Of Tangible Personal Property And Of Certain Services, And On Occupancy Of Hotel Rooms And Amusement Charges, Pursuant To Article 29 Of The Tax Law Of The State Of New York; Amending Resolution No. 265 Of 1965, As Last Amended By Resolution No. 373 Of 2007  
Ways and Means Committee; July 29, 2009 – CV: 10-0

Matters Of Urgency

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|-----|---|---------|--|
| 23. | Colby &<br>LaFountain<br>Intro. 284<br>Res. 219<br>29-0 | 09-0253 | Authorizing Contracts With Spartan Contracting, LLC For Construction Services And Popli Consulting Engineers And Surveyors For Resident Project Representation Services For American Recovery And Reinvestment Act – Bridges Project<br>Matter Of Urgency                |
| 24. | Colby &<br>LaFountain<br>Intro. 285<br>Res. 220<br>29-0 | 09-0254 | Authorizing Contracts With Villager Construction, Inc. For Construction Services And Ravi Engineering And Land Surveying, P.C. For Resident Project Representation Services For American Recovery And Reinvestment Act – Highway Project Contract 1<br>Matter Of Urgency |

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**UNFINISHED BUSINESS**

*NONE*

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Upon Motion by Legislator E. Daniel Quatro, the Legislature adjourned at 8:55 P.M. until Tuesday September 8, 2009 at 6:00 p.m.

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**LISA POLITO NICOLAY**  
Clerk of the Legislature